



HUNTON & WILLIAMS LLP
1900 K STREET, N.W.
WASHINGTON, D.C. 20006-1109

TEL 202 • 955 • 1500
FAX 202 • 778 • 2201

JEFFREY T. PEREZ
DIRECT DIAL: 202-955-1902
EMAIL: jperez@hunton.com

November 12, 2003

UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket Number: **58764.000039**

First Named Inventor: **Elena Babiychuk et al.**

Title: **METHOD AND MEANS TO MODULATE PROGRAMMED CELL DEATH IN EUKARYOTIC CELLS**

TO: **Mail Stop Patent Application**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Attached are the following for filing with the U.S. Patent and Trademark Office:

1. ☐ Fee Transmittal Form (original and duplicate)
2. ☐ Small Entity Status Claimed: ☐ Independent Inventor
☐ Small Business Concern
☐ Non-Profit Organization
- ☐ Statement Enclosed
- ☐ Statement Filed in Prior Application; Status Still Proper and Desired
3. ☒ Specification - Total Pages: **61** (Including Abstract)

CLAIMS AS FILED						
	Claims Filed	Basic Fee Claims	Extra	Rate		Amount
				Large Entity	Small Entity	
Total Claims		20	0	\$ 18.00	\$ 9.00	\$ 0.00
Independent Claims		3	0	\$ 86.00	\$ 43.00	\$ 0.00
First Presentation of Multiple Dependent Claims				\$ 290.00	\$ 145.00	\$ 0.00
BASIC FEE				\$ 770.00	\$ 385.00	\$ 0.00
TOTAL FILING FEE						\$ 0.00
Assignment Recordation Fee						\$ 0.00
TOTAL AMOUNT ENCLOSED						\$ 0.00

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4. ☒ Drawings - Total Sheets: 4 (Fig(s). 1-6)
5. Oath or Declaration - Total Pages: 3
- a. ☐ Newly executed (original or copy)
☐ New (unexecuted)
- b. ☒ Copy from a prior application
(for continuation/divisional with Box 18 completed)
- ☐ DELETION OF INVENTOR(s):
Signed statement attached deleting inventor(s) named in prior application.
6. ☐ Application Data Sheet
7. ☐ CD-ROM or CD-R in duplicate, large table or Microfiche Computer Program (Appendix)
8. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
- a. ☒ Computer Readable Form (CRF)
- b. ☒ Specification Sequence Listing on:
- i. ☐ CD-ROM or CD-R (two copies); or
- ii. ☒ Paper Copy
- c. ☒ Statements verifying identity of above copies
9. ☒ Assignee/Applicant: BAYER BIOSCIENCE
Jozef Plateaustaat 22
B-9000 Gent, BELGIUM
- ☐ Assignee of Record in Prior Application No.: _____ :
recorded on _____ at Reel _____, Frame _____.



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10. ☐ 37 C.F.R. 3.73(b) Statement ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement with PTO-1449 and References
☐ Copies of Information Disclosure Statement Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard
15. ☒ Priority is Claimed as Follows:
U.S. Application No. 09/118,276
- ☐ Claim Benefit of the Following U.S. Provisional Application No(s):

- ☐ If Foreign Priority is Claimed, Certified Copy of the Above Priority Document(s) is Submitted Herewith
16. ☐ Nonpublication Request under 35 U.S.C. § 1222(b)(2)(B)(i). Applicant must attach Form PTO/SB/35 or its equivalent.
17. ☐ Other: _____
18. ☒ Continuation ☐ Divisional ☐ Continuation-in-Part of
Prior Application No.: 09/118,276 filed July 17, 1998
- Prior application information: Examiner Cynthia E. Collins
Group Art Unit 1638
- ☒ Incorporation By Reference (useable if Box 5b is marked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered as being part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application papers.



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☐ Complete Application Based on Provisional Application No.: _____
filed _____

19. Please address all correspondence to:

☒ **CUSTOMER NUMBER** 21967

☒ **Robert M. Schulman**
Intellectual Property Department
Hunton & Williams
1900 K Street, N.W.
Suite 1200
Washington, DC 20006-1109

20. ☒ A new power of attorney or authorization of agent (PTO/SB/81) is as follows:

☒ The power of attorney is to: Thomas M. Blasey, Reg. No. 33,475; Tim L. Brackett, Reg. No. 36,092; Thomas W. Cole, Reg. No. 28,290; Jeffrey L. Costellia, Reg. No. 35,483; Gerald J. Ferguson, Jr., Reg. No. 23,016; Stuart Friedman, Reg. No. 23,016; Charles M. Leedom, Jr., Reg. No. 26,477; Frank P. Presta, Reg. No. 19,828; Joseph S. Presta, Reg. No. 35,329; Eric J. Robinson, Reg. No. 38,285; David S. Safran, Reg. No. 27,997; Robert M. Schulman, Reg. No. 31,196; Daniel W. Sixbey, Reg. No. 20, 932; Evan J. Smith, Reg. No. 35,683; and Donald R. Studebaker, Reg. No. 32,815.

☒ Please remove as power of attorney: Thomas M. Blasey, Reg. No. 33,475; Tim L. Brackett, Reg. No. 36,092; Thomas W. Cole, Reg. No. 28,290; Jeffrey L. Costellia, Reg. No. 35,483; Gerald J. Ferguson, Jr., Reg. No. 23,016; Stuart Friedman, Reg. No. 23,016; Charles M. Leedom, Jr., Reg. No. 26,477; Frank P. Presta, Reg. No. 19,828; Joseph S. Presta, Reg. No. 35,329; Eric J. Robinson, Reg. No. 38,285; David S. Safran, Reg. No. 27,997; Daniel W. Sixbey, Reg. No. 20, 932; Evan J. Smith, Reg. No. 35,683; and Donald R. Studebaker, Reg. No. 32,815.

☒ Please add as power of attorney: Stanislaus Aksman, Reg. No. 28,562; Jennifer A. Albert, Reg. No. 32,012; Thomas E. Anderson, Reg. No. 37,063; David E. Baker, Reg. No. 42,285; Carl L. Benson, Reg. No. 38,378; Thomas D. Bradshaw, Reg. No. 51,492; J. Robert Brown, Jr., Reg. No. 45,438; Brian M. Buroker, Reg. No. 39,125; Christopher C. Campbell, Reg. No. 37,291; Katherine S. Chang, Reg. No. 40,544; Robin C. Clark, Reg. No. 40,956; Trevor Q. Coddington, Reg. No. 46,633; Christopher J. Cuneo, Reg. No. 42,450; Ryan S. Davidson, Reg. No. 51,596; Patrick A. Doody, Reg. No. 35,022; Kevin T. Duncan, Reg. No. 41,495; Ozzie A. Farres, Reg. No. 43,606;



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Nancy J. Flint, Reg. No. 46,704; Christopher J. Forstner, Reg. No. 46,049; Charles F. Hollis, III, Reg. No. 40,650; Nancy J. Jensen, Reg. No. 45,913; Herbert V. Kerner, Reg. No. 42,721; Robert C. Lampe, III, Reg. No. 51,914; Jonathan D. Link, Reg. No. 41,548; Tyler Maddry, Reg. No. 40,074; J. Michael Martinez, Reg. No. 37,178; David H. Milligan, Reg. No. 42,893; James R. Miner, Reg. No. 40,444; Bryan F. Moore, Reg. No. 52,044; Jeffrey T. Perez, Reg. No. 52,110; Michael P.F. Phelps, Reg. No. 48,654; John P. Pinkerton, Reg. No. 28,746; Laurence H. Posorske, Reg. No. 34,698; Andrew J. Ririe, Reg. No. 45,597; Stephen T. Schreiner, Reg. No. 43,097; Robert M. Schulman, Reg. No. 31,196; Thomas J. Scott, Jr., Reg. No. 27,836; Yisun Song, Reg. No. 44,487; Shelley L. Spalding, Reg. No. 51,971; Rodger L. Tate, Reg. No. 27,399; Samson Vermont, Reg. No. 42,202; Robert J. Ward, Reg. No. 28,746; and Scott F. Yarnell, Reg. No. 45,245.

21. ☐ A check in the amount of \$ _____ is enclosed. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any such variance to **Deposit Account No. 50-0206.**
- ☐ The U.S. Patent and Trademark Office is hereby authorized to charge any variance between the amount enclosed and the Patent Office charges to **Deposit Account No. 50-0206.**

Respectfully submitted,

By:

Robert M. Schulman

Registration No. 31,196

Jeffrey T. Perez

Registration No. 52,110

RMS/JTP/cbt
Enclosures